



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

CRL.OP.(MD) No.16235 of 2017  
and  
CRL.M.P.(MD) No.10758 of 2017

1.Sikkandar Bevei  
2.Sagerbanu : Petitioners/Accused Nos.1 and 2

**Vs.**

1. The Inspector of Police,  
Vilathikulam Police Station,  
Thoothukudi. : Respondent/Complainant  
2. Gursith Ahmed : Respondent/De-facto complainant

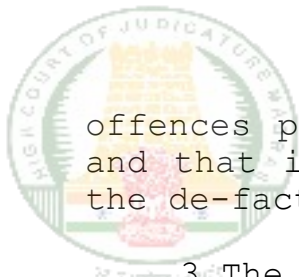
**PRAYER:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records proceedings in Crime No.187 of 2017 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.M.Manivelpandian  
For R1 : Mr.K.S.Durai Pandian  
Additional Public Prosecutor

**ORDER**

The Criminal Original Petition is filed to call for the records proceedings in Crime No.187 of 2017 on the file of the first respondent and quash the same.

2.The petitioners are Accused Nos.1 and 2 in Crime No.187 of 2017. The second respondent is the de-facto complainant. Since the second respondent is a minor, who is the son of the first petitioner, he is represented by his father /the husband of the first petitioner. The case of the de-facto complainant is that a property was purchased by the first petitioner and the second respondent in the year 1997. It is alleged that the first petitioner in order to cheat the second respondent, had executed a sale deed in favour of third parties, as if she is the exclusive owner of the property. It is further stated in the complaint that the sale deed was intended to exclude the de-facto complainant from enjoyment over the property and that therefore the petitioners have committed the



offences punishable under Section 406, 420, 468, 471 and 506(i)IPC and that it is case of mischief and fraud to grab the property of the de-facto complainant.

3.The learned Counsel for the petitioners submitted that the the property was purchased in the joint name of the first petitioner and the de-facto complainant. There was some arrangements between the first respondent and the second respondent and that therefore the first petitioner orally executed a sale deed on the basis of the statements and family arrangements between the first petitioner and the second respondent.

4.It is further stated that there was no intention to cheat anyone as the sale deed was on the basis of her exclusive right, which was recognized by the de-facto complainant. It is further stated that the de-facto complainant actually assaulted the petitioners earlier and that therefore the present complaint, lodged by the second respondent was only as a counter blast to the earlier complaint, lodged by the first petitioner as against the second respondent.

5.The second respondent is only a minor and that the petitioners have not produced the copy of the complaint or other materials to show that a complaint was lodged by the first petitioner against the second respondent or to justify the claim of the petitioners that the first petitioner is the absolute owner of the property.

6.The learned Counsel for the petitioners has not produced any document and the first petitioner's version cannot be believed. The complaint lodged by the second respondent clearly discloses the cognizable offence for which the petitioners are booked. Truth or other wise of the allegations found in the First Information Report cannot be gone into in this petition, which was filed to quash the First Information Report. The First Information Report has to be taken on its face value and there cannot be any artificial interpretation on the basis of the claim made by the proposed accused in the criminal case. This Court has repeatedly held that the scope of 482 Cr.P.C., cannot be enlarged to decide disputed questions of fact.

7.In view of the above, this Court find no merits in this petition. Hence, this petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/



To

1. The Inspector of Police,  
Vilathikulam Police Station,  
Thoothukudi.

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.M.M.MANIVEL PANDIAN, ADVOCATE IN SR No. 89832

CMR

TE/KP/SAR-1 : 12/12/2017 : 3P/4C

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